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VIA ECF and EMAIL

May 20, 2021

**MEMO ENDORSED**

The Honorable Katherine Polk Failla  
United States District Judge  
Southern District of New York  
United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: United States v. Alvino Fountain  
10-CR-475 (KPF)

Dear Judge Failla:

I submit this status letter regarding the second hearing for my client Alvino Fountain's violation of supervised release ("VOSR"). This hearing is now scheduled for Tuesday May 25, 2021. I assume it would be a remote proceeding under the provisions of the CARES Act, like the first hearing on March 24, 2021. Mr. Fountain remains in custody at the Westchester County jail.

The incident, arrest, and new charges which triggered this VOSR, 21 Mag 1435, is pending in the SDNY White Plains courthouse, and my understanding is that case will not be resolved in the next week.

In most cases, District Court judges allow the VOSR to trail the underlying case, because the defendant would be disadvantaged by an admission in the VOSR prior to the resolution of the underlying case.

Your Honor may wish to proceed with the hearing on May 25, 2021, or adjourn it for a set period of time, like 30 days, to allow for some movement on the White Plains case.

Hon. Katherine P. Failla  
May 20, 2021  
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My request is for a 30 day adjournment. A.U.S.A. Derek Wikstrom has no objection to that request.

Very truly yours,



AVROM ROBIN

C: A.U.S.A. Derek Wikstrom (via ECF and email)

Application GRANTED. The conference scheduled for May 25, 2021, is hereby ADJOURNED to July 6, 2021, at 11:30 a.m. The Court will confirm the date and time of the conference the week prior to the conference. The conference shall take place by videoconference, with instructions for accessing the conference to be distributed in advance.

Dated: May 20, 2021  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE